UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FOTOMEDIA TECHNOLOGIES, LLC, *Plaintiff,* vs. AOL LLC, AMERICA ONLINE, INC., PHOTOBUCKET.COM, INC., SHUTTERFLY, INC., CNET NETWORKS, INC., AND YAHOO! INC., *Defendants*.	C.A. No. 2:07-CV-255-TJW JURY TRIAL DEMANDED

AGREED MOTION TO WITHDRAW AMERICA ONLINE, INC.'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION PURSUANT TO FRCP 12(B)(2)

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now American Online, Inc. ("New America Online") and respectfully files this Motion to Withdraw its previously filed Motion to Dismiss for Lack of Personal Jurisdiction Pursuant to FRCP 12(b)(2) for the following reasons:

1. On September 17, 2007, America Online, Inc. filed a Motion to Dismiss for Lack of Personal Jurisdiction Pursuant to Federal Rule of Civil Procedure 12(b)(2) (Docket Entry No. 49) based on lack of specific jurisdiction and lack of general jurisdiction. On October 4, 2007, Plaintiff Fotomedia Technologies, LLC filed Plaintiff's Agreed Motion to Dismiss America Online, Inc. Without Prejudice (Docket Entry No. 53-1). Based upon the filing of Plaintiff's Agreed Motion to Dismiss American Online, Inc. Without Prejudice, Defendant America Online, Inc. respectfully requests that its Motion to Dismiss based upon FRCP 12(b)(2) be withdrawn. Specifically, however, Defendant America Online, Inc. reserves the right to refile its Motion to

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Dismiss based upon 12(b)(2) or upon other grounds should Fotomedia Technologies, LLC seek to reurge its complaint against this Defendant or should other circumstances make the refilling of the Motion to Dismiss based upon FRCP 12(b)(2) necessary.

WHEREFORE, premises considered Defendant America Online, Inc. respectfully requests the Court grant its Motion to Withdraw and for such other and further relief to which it may be entitled.

Dated: October 4, 2007

Respectfully submitted,

GILLAM & SMITH, LLP

/s/

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ATTORNEYS FOR DEFENDANT
AMERICA ONLINE, INC.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Defendant and counsel for Plaintiff conferred on October 4, 2007 and Plaintiff does not oppose this motion.

/s/

Harry L. Gillam, Jr.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this 4th day of October, 2007.

/s/
Harry L. Gillam, Jr.